

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

<b>FRANKLIN GRULLON</b>	<b>:</b>	<b>DOCKET NO. 2:07-cv-227 Section P</b>
<b>VS.</b>	<b>:</b>	<b>JUDGE MINALDI</b>
<b>ALBERTO GONZALES, ET AL.</b>	<b>:</b>	<b>MAGISTRATE JUDGE WILSON</b>

**REPORT AND RECOMMENDATION**

Currently before the court is a “Motion to Dismiss” [doc. 1] filed on behalf of the respondents in the above-captioned *habeas corpus* matter. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

A petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 was filed by *pro se* petitioner, Franklin Grullon, on September 23, 2003 in the United States District Court for the Eastern District of New York, challenging his continued detention in immigration custody. On February 27, 2006, the Second Circuit Court of Appeals ordered the New York district court to transfer this petition to the United States District Court for the Western District of Louisiana. [doc. 37]. By order dated February 6, 2007, this petition was transferred to this Court.

In response to this petition, the government filed the “Motion to Dismiss” which is currently before the court. In support of this motion, the government presents documentation which establishes that the petitioner was released from immigration custody on September 9, 2006 by means of his removal to the Dominican Republic. *See* Government Exhibit 1.

Because petitioner is no longer in custody, his challenge to his post-removal-order detention is now moot and should be dismissed.

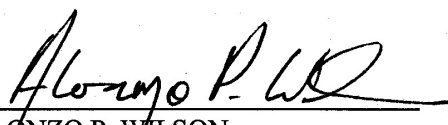
For this reason,

IT IS RECOMMENDED that the "Motion to Dismiss" [doc. 1] be GRANTED and that this petition be DENIED AND DISMISSED WITH PREJUDICE as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

**FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.**

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, March 26, 2007.

  
ALONZO P. WILSON  
UNITED STATES MAGISTRATE JUDGE

